

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
4:09-CR-75-D

UNITED STATES OF AMERICA)	
)	
v.)	ORDER
)	
MAURICE CLINTON BROWN, III)	
)	
Defendant.)	

On October 5, 2010, after granting the government's motion under U.S.S.G. § 5K1.1, this court sentenced Maurice Clinton Brown, III ("Brown") to 120 months' imprisonment for conspiracy to distribute and possess with the intent to distribute more than 5 kilograms of cocaine and more than 50 grams or more of cocaine base (crack), in violation of 21 U.S.C. § 846. See [D.E. 133]. Brown did not appeal.

On November 3, 2011, pursuant to Federal Rule of Criminal Procedure 35, the court reduced Brown's sentence to 90 months' imprisonment. See [D.E. 170].

On January 24, 2012, and on August 27, 2012, Brown filed motions to reduce his sentence under 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10(c). See [D.E. 171, 174]. On April 18, 2013, the court denied these motions [D.E. 182].

On May 6, 2014, Brown filed another motion to reduce his sentence under 18 U.S.C. § 3582 and Rule 35 [D.E. 186]. On July 22, 2014, the government responded in opposition [D.E. 201].

Brown is not entitled to relief under section 3582. See, e.g., United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010). Alternatively, even if Brown were eligible for relief under section 3582(c), the court would decline to exercise its discretion to reduce his sentence. See United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Stewart, 595

F.3d 197, 200 (4th Cir. 2010); cf. United States v. Smalls, 720 F.3d 193, 196–97 (4th Cir. 2013). Brown is a recidivist drug dealer with a history of violence. See PSR ¶¶ 28, 30, 35. Having (again) reviewed the entire record, the court concludes that Brown received the sentence that was sufficient but not greater than necessary under 18 U.S.C. § 3553(a). See, e.g., Perez, 536 F. App'x at 321. Finally, Brown is not entitled to relief under Rule 35. See Fed. R. Crim. P. 35(b)(2).

In sum, Brown's motion for a sentence reduction [D.E. 186] is DENIED.

SO ORDERED. This 15 day of October 2014.



JAMES C. DEVER III
Chief United States District Judge